IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 10198 of 2004(L)

PETITIONER:

---

1. AMBILY MENON, MOOLAYIL HOUSE,
   KARTHIKAPPALLY P.O., ALLEPPEY DISTRICT.

2. MANJU.I., DWARAKA, MUTHUKULAM SOUTH P.O.
   ALLEPPEY DISTRICT.

BY ADV. SRI.K.G.UNNIKRISHNAN NAIR

RESPONDENTS:

---

1. THE CONTROLLER OF EXAMINATIONS,
   UNIVERSITY OF KERALA, PALAYAM P.O.,
   THIRUVANANTHAPURAM.

2. THE VICE CHANCELLOR, UNIVERSITY OF
   KERALA, THIRUVANANTHAPURAM.

3. THE UNIVERSITY OF KERALA, REPRESENTED
   BY ITS REGISTRAR, THIRUVANANTHAPURAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE MARKLIST ISSUED TO 1ST PETITIONER BY R1 FOR M.SC. DT.9.3.04.

P2: TRUE COPY OF MARKLIST ISSUED TO 1ST PETITIONER FOR PRACTICAL EXAMINAITON FOR M.SC. DEGREE FINAL EXAMINATION BY R1 DT.9.3.2004.

P3: TRUE COPY OF THE MARKLIST FOR M.SC. PREVIOUS EXAMINATION ISSUED TO 2ND PETIITONER BY R1 DT.5.1.2001.

P4: TRUE COPY OF MARKLIST OBTAINED FOR M.SC. DEGREE PRACTICAL FINAL EXAMINATION FOR 2ND PETITIONER.

P5: TRUE COPY OF COMMUNICATION RECEIVED BY 1ST PETITIONER FROM R1 DT.16.3.2004.

P6: TRUE COPY OF THE COMMUNICATION RECEIVED BY 2ND PETITIONER FROM R1 DT.16.3.2004.

P7: TRUE COPY OF JUDGMENT DT.18.12.2003 IN WPC NO.38042/2003 OF THIS HON'BLE COURT.

P8: TRUE COPY OF THE PERMISSION GRANTED BY THE RESPONDENT UNIVERSITY DT.17.3.2003.

P9: .DO.DT.7.2.2003.

P10: TRUE COPY OF THE MARKLIST ISSUED TO 1ST PETITIONER BY RESPONDENT UNIVERSITY.

P11: TRUE COPY OF REPRESENTATION DT.4.3.2005 SUBMITTED BY 1ST PETITIONER BEFORE R1.

P12: TRUE COPY OF MEMO ISSUED BY R1 TO 1ST PETITIONER DT.18.4.2005.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.10198 of 2004

.....

Dated this the 14th day of February, 2007.

JUDGMENT

The petitioners as on date of filing the W.P. passed practical examination under the old scheme, but failed in the theory examination. The old scheme was discontinued which necessitated petitioner to participate in the practical examination along with theory examination and therefore, petitioners approached this court for direction to permit them to write the examination under the old scheme. Counsel submitted that many others were given the facility and it is not known whether petitioners have availed the facility. If petitioners have written the examination along with others, then of course the University will publish the result. On the other hand, if petitioners have not written the examination, there is no scope for this court to direct the University to conduct the old examination for two students. However, if examination is being conducted for other students, the University should permit the petitioners also to write the examination under the old scheme. The W.P. is closed.

C.N.RAMACHANDRAN NAIR
Judge

pms